IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33682 of 2008
RAVI YADAV
Versus
THE STATE OF BIHAR

03- 25.8.2008 Heard Mr. Manoj Kumar Jha for the petitioner, and Mr. Parmeshwar Mehta, learned A.P.P. for the State.

2. The sole petitioner prays for grant of bail in Munger Muffasil P.S. Case No.245 of 2007, wherein allegations have been levelled against the petitioner and others under sections 147, 148, 149, 342 and 302 of the IPC, as well as Section 27 of the Arms Act. Learned counsel for the petitioner submits that in the first part of the F.I.R., there is omnibus allegation against ten accused persons of firing on the deceased, but the second part of the F.I.R. specifically names three persons (other than the present petitioner) having fired gun-shots at the deceased. The petitioner is not amongst the three persons. He submits that a similarly circumstanced co-accused has been granted bail by this Court by order dated 19.8.2008, passed in Cr.Misc. No.22457 of 2008 (Bambam Yadav Vs. The State of Bihar). He next submits that the present petitioner is in custody since 26.2.2008.

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3. The learned A.P.P. opposes the same and submits that first part of the F.I.R. was not brought to the notice of the learned Judge who granted bail to co-accused Bambam Yadav.

4. I have perused the materials on record and considered the submissions of learned counsel for the parties. It appears that the first part of the F.I.R. does allege that 10 persons including the present petitioner had indiscriminately fired on the deceased resulting in his instantaneous death. In the facts and circumstances of the case I am not inclined to grant bail to the petitioner. It is accordingly rejected.

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(S K Katriar, J.)

S.K.Pathak/

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